



DOCKET NO. 9491-033-27

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: BRIAN M. FENDLY, ET AL. ART UNIT: 1645
SERIAL NO.: 08/948,149 EXAMINER: SWARTZ, R.P.
FILING DATE: OCTOBER 9, 1997
FOR: ANTI-ErbB2 ANTIBODIES

REQUEST FOR RECONSIDERATION

ASSISTANT COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Responsive to the outstanding Office Action issued May 26, 2004, in the above-captioned matter, the time for response thereto being extended by virtue of Applicants' petition and extension fees submitted herewith, withdrawal of the rejection of all claims as anticipated, or in the alternative, obvious, over prior art publications of the inventors and a real party-in-interest therefore, Genentech, is respectfully requested. Each of the rejections has been considered, but it is respectfully submitted, fail to make out a *prima facie* case of anticipation or obvious, by reason of the fact that the references relied upon fail to enable, that is, put the public in possession of, the antibodies required to satisfy the claims, that is, antibodies that bind to the epitope bound by antibodies 7C2 and 7F3.